

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,

MERSCORP, INC.

Plaintiffs,

vs.

ROBERT BELLISTRI,

Defendant.

No. 4:09-CV-00731-CAS

**SUBSTITUTED AFFIDAVIT OF NICHELLE JONES**

I, Nichelle Jones, being duly sworn, state as follows:

1. My name is Nichelle Jones. I am over 18 years of age and competent to testify as to the matters contained herein. I make this Affidavit based upon my personal knowledge of the facts herein and upon information provided to me in the normal course of my employment, including the regularly maintained business records of Ocwen Loan Servicing, LLC ("Ocwen").
2. I have been employed with Ocwen since August 1, 1999. I currently hold the title of Loan Analyst.
3. On or about March 4, 2002, Glen L. Crouther executed a promissory note to BNC Mortgage Inc. ("BNC") in the principal amount of \$93,595.00 (the "Note"). The Note was endorsed in blank.



4. A true and accurate copy of the Note produced from Ocwen's loan file is attached hereto as Exhibit A. A copy of the Note was maintained as part of Ocwen's loan file in the regular course of its business.

5. To secure payment of the Note, Glen L. Crouther conveyed a security interest in the property commonly known as 1210 Airglades, Arnold, Missouri 63010 (the "Property") to Mortgage Electronic Registration Systems, Inc. ("MERS") by deed of trust ("Deed of Trust").

6. In 2002, BNC conveyed the Note to Deutsche Bank National Trust Company ("Deutsche Bank"), as Trustee for the registered holders of the CDC Mortgage Capital Trust 2002-HEI.

7. Following its initial purchase, the Note was held in an interim flow pool and on June 18, 2002 the Note was deposited into the segregated CDC Mortgage Capital Trust. Since that date until the present, Deutsche Bank, as Trustee for the registered holders of the CDC Mortgage Capital Trust 2002-HEI, has held the ownership interest in the Note.

8. On or prior to June 18, 2002, Deutsche Bank contracted with Ocwen to serve as agent and servicer for it with respect to the Note. Ocwen has served in that role ever since.

9. Between June of 2002 to the present, Ocwen was and continues to be a member of MERS.

10. On August 22, 2005, the Jefferson County Collector ("Collector") held a tax sale for the Property ("Tax Sale"). Defendant Robert Bellistri ("Bellistri") was the high bidder at the Tax Sale and the Collector issued a tax sale certificate of purchase on

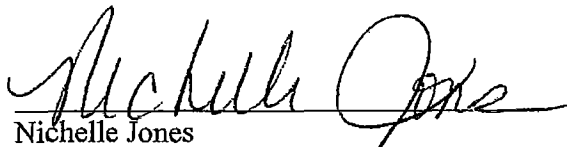
the Property. On or about September 19, 2006, the Collector issued a collector's deed to Bellistri.

11. Neither Deutsche Bank nor Ocwen received any notice of the Tax Sale proceeding prior to the issuance of the Collector's Deed.

12. If it had been notified of the Tax Sale proceedings, Ocwen would have, pursuant to its standard practices and its agreement with Deutsche Bank, immediately notified Deutsche Bank and paid the taxes, defended the proceedings or taken other action to protect the interests of Deutsche Bank.

13. Since Crouther's failure to pay the taxes and failure to discharge the resulting tax lien, were events of default under the Deed of Trust, Ocwen or Deutsche Bank would have been entitled to take any and all actions necessary to protect Deutsche Bank's interest in the property and rights under its security agreement, including initiation of foreclosure proceedings.

FURTHER AFFIANT SAYETH NOT.

  
Nichelle Jones

STATE OF FLORIDA                    )  
  )  
COUNTY OF ORANGE                )       SS.

On this 9th day of June, 2010, before me personally appeared Nichelle Jones, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above written.

\_\_\_\_\_  
Notary Public

My Commission expires:

